



The Regular Meeting of the
Brian Head Town Council
 Town Hall Council Chambers
 56 N. Hwy 143, Brian Head, UT 84719
TUESDAY, MAY 10, 2011 @ 1:00 PM
AGENDA

- A. CALL TO ORDER**
 - B. PLEDGE OF ALLEGIANCE**
 - C. DISCLOSURES**
 - D. APPROVAL OF THE MINUTES:**
 - 1. April 7&8, 2011 Budget Retreat Town Council Meeting**
 - 2. April 12, 2011 Town Council Meeting**
 - E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
 - F. AGENDA TOPICS:**
 - 1. PUBLIC SAFETY BUILDING CONTRACTOR /ARCHITECT TEAM PRESENTATION.** The Contractor/Architect team will give a presentation to the Council on the proposed Public Safety Building.
 - 2. PUBLIC SAFETY BUILDING PROJECT COMMITTEE RECOMMENDATION AND COUNCIL CONSIDERATION OF THE CONTRACTOR/ARCHITECT TEAM TO BE SELECTED FOR THE PUBLIC SAFETY BUILDING PROJECT.** – Bryce Haderlie, Town Manager. The Council will receive the committee's recommendation and may approve a Architect/Contractor team for the proposed Public Safety Building project.
 - 3. DAN GUYMON'S REQUEST TO WITHDRAW FROM THE PAROWAN SOUTH FIELD IRRIGATION LEASE FROM BRIAN HEAD TOWN.** – Dan Guymon. The Council will consider a request to withdraw from the lease of the town's 3 shares of water in the Parowan Irrigation System that was awarded to Mr. Guymon in November, 2010.
 - 4. PRESENTATION OF THE 2011-2012 TOWN BUDGETS ENDING JUNE 30, 2012.** Cecilia Johnson, Town Treasurer. The Council will approve the 2011-2012 tentative budget for the Town of Brian Head.
 - 5. CONSOLIDATED FEE SCHEDULE DISCUSSION.** Bryce Haderlie, Town Manager & Tom Stratton, Public Works Director. The Council will hold a discussion on the solid waste fees & building permit fees assessed by the town.
 - 6. BID AWARD FOR THE BULK WATER DISPENSOR.** Tom Stratton, Public Works Director. The Council will award the bid for the Bulk Water Dispensing system.
 - G. CLOSED SESSION OF THE TOWN COUNCIL – To discuss Pending or Imminent Litigation**
 - H. ADJOURNMENT**
- Dated the 9th Day of May, 2011**
- Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 9th day of May 2011 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

 Nancy Leigh, Town Clerk

**The Regular Meeting of the
Brian Head Town Council
Town Hall Council Chambers
56 N. Hwy 143, Brian Head, UT 84719
TUESDAY, MAY 10, 2011 @ 1:00 PM**

Roll Call.

Members Present: Mayor H.C. Deutschlander, Council Member Hans Schwob, Council Member Jim Ortler, Council Member Linda Ames

Members Excused: Council Member Stewart Fausett

Staff Present: Bryce Haderlie, Nancy Leigh, Tom Stratton, Wendy Dowland, Chris Leigh, Kim Hunter, Tom Gurr, Rob Dalley, Gary Bulloch, Dan Benson, Dan Guymon

A. CALL TO ORDER

Mayor Deutschlander called the regular meeting of the Brian Head Town Council to order at 1:03 p.m. Mayor Deutschlander reported that Council Member Ames is in route to the meeting and will be late and Council Member Fausett has been excused from today's meeting.

B. PLEDGE OF ALLEGIANCE

Mayor Deutschlander led the Council and others in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Mayor Deutschlander stated that the disclosure statements are on file at the Recorder's office and are available for public inspection during normal business hours.

D. APPROVAL OF THE MINUTES:**1. April 7&8, 2011 Budget Retreat Town Council Meeting**

Motion: Council Member Ortler moved to table the April 7 & 8, 2011 Town Council minutes until the end of today's meeting. Council Member Schwob seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 3 Vote: Yes:** Mayor Deutschlander, Council Member Schwob, Council Member Ortler. **Absent:** Council Member Fausett, Council Member Ames).

2. April 12, 2011 Town Council Meeting

Motion: Council Member Ortler moved to table the April 12, 2011 Town Council minutes until the end of today's meeting. Council Member Schwob seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 3 Vote: Yes:** Mayor Deutschlander, Council Member Schwob, Council Member Ortler. **Absent:** Council Member Fausett, Council Member Ames).

E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

Council Member Ortler reported that he and Mayor Deutschlander attended a land use seminar on recent changes to the impact fee laws. The seminar was very informative and the new laws will directly affect Brian Head, in which changes will need to be made in order to be in compliance.

Bryce Haderlie, Town Manager

1. Submitted the draft Economic Development Plan to the Chamber of Commerce as requested by Council. The Chamber Board has requested additional work be completed as to an analysis on the visitor shift to the community in a 12 month period. Bryce reported a Southern Utah University (SUU) Professor has contacted him to inquire if an intern student could be used to gather the information on behalf of the town. The professor informed him that the student services would be no charge to the town and would be monitored by the professor for this assignment. Mayor Deutschlander commented he would agree to an intern student as long as no expenditure of funds were made and the town would determine if the information could be released to the public after the information is gathered. This was the consensus of the Council.
2. Thanked the fire department for their quick response to the cabin fire on Half Circle Drive. Due to the low residency rate in the area, the fire and/or smoke was not detected until the cabin was fully engulfed. Bryce reported he has provided a press release to the newspaper.
3. Bryce explained that staff has done a poor job in recognizing the efforts of staff on their individual accomplishments. Bryce recognized two employees: Cecilia Johnson, Town Treasurer, who has recently passed her Notary test and Kim Hunter, Public Works, who has passed his water certification test for the state. All of the public works crews are now certified on various levels with a minimum of Level I in water and wastewater certifications. Bryce also thanked the employees of the public safety department who are also required to complete certification requirements on behalf of the town.

4. The Iron County Commission has voted in favor of a reduction of force and has terminated Reed Erickson, County Administrator, and Jan Neth, his Assistant as of June, 2011. In speaking with Todd Stowell, Planner, the County Commission intends to terminate the contract with Five County Association of Government for the Planner and may hire their own Planner. Bryce informed the Council that Five County Association of Government may be approaching the cities who are currently participating in the Circuit Rider for the Planner for support. There is not enough information at this time, but once information is available he will bring it to the Council.

Tom Stratton, Public Works Director

1. The Transportation Advisory Committee met last week, which is an advisory committee to the Rural Planning Organization. One item of discussion was the trucking of coal from Panguitch to Delta and will be coming to Cedar in the near future. There is the potential of having one truck every ten minutes affecting highway 20 and Interstate 15 heading towards Iron Springs. The committee has agreed to fund \$2,500.00 to complete a study for Utah Department of Transportation to look at the northern circumference of Enoch and Cedar City area.

Council Member Ames arrived at 1:15 p.m.

Gary Bulloch, Public Safety Director

1. Currently reviewing operating protocols on how jurisdictions will be receiving payment for wildland fires. If Brian Head has a wildland fire, in order to utilize mutual aid resources and Federal assistance is required, then it was determined to hire overhead positions in which the funds could go further. Discussion was held on different scenarios of wildland fire when crossing from Federal lands to Town boundaries and cost sharing issues.
2. Distributed the new firework laws to the Council (see attached report). Gary reported he is unsure of the impact for the upcoming 4th of July fireworks display, but the town has the right to limit down the fireworks if the Council desires.
3. The town experienced a fire at the drilling rig located in the meadow on Village Way. The substructures under the rig caught fire and the fire department was able to put out the fire with minimum damage.

F. AGENDA TOPICS:

Mayor Deutschlander requested the Council consider amending today's agenda in order to accommodate Dan Guymon who has another appointment in Cedar City. The Council agreed to consider Agenda Item F-3, Dan Guymon's Request to withdraw from the Parowan Southfield Irrigation lease agreement with Brian Head Town.

3. DAN GUYMON'S REQUEST TO WITHDRAW FROM THE PAROWAN SOUTH FIELD IRRIGATION LEASE FROM BRIAN HEAD TOWN.

A request to withdraw from the lease of the town's 3 shares of water in the Parowan Irrigation System that was awarded to Mr. Guymon in November, 2010.

Mr. Dan Guymon requested the Council to consider releasing him from the lease with Brian Head Town for the three shares of water in the Parowan Southfield Irrigation System (see attached). Mr. Guymon explained he was under the impression that the Southfield irrigation water ran behind his home on hwy. 91 in Parowan when he first submitted his bid for the water lease. In contacting Mr. Larry Pendleton, Parowan Southfield Irrigation Company, he was informed that he would be required to hook into the system which was farther away than anticipated and could cost him approximately \$2,000.00 to hook into the system.

Discussion was held on the town's options: 1) Release Mr. Guymon from the lease. 2) Require him to pay for the three shares of water for the three irrigation seasons at \$150.00 per season. 3) Require Mr. Guymon to reimburse the town for the advertising expenses of \$60.00 to \$80.00. 4) The town could re-advertise the water lease again if determined by the Council.

Motion: Council Member Ortler moved to release Mr. Dan Guymon from the three shares of water in the Parowan Southfield Irrigation System and directed staff to not re-advertise the water share lease. Council Member Ames seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Mayor Deutschlander, Council Member Schwob, Council Member Ortler, Council Member Ames. **Absent:** Council Member Fausett).

1. PUBLIC SAFETY BUILDING CONTRACTOR /ARCHITECT TEAM PRESENTATION.

Presentations from the Contractor/Architect design teams for the proposed Public Safety Building project.

Bryce Haderlie, Town Manager, gave a brief history of the "contractor at risk" build which is not a Design Build. The town has the opportunity to select a team based on any criteria determined to be in the best interest of Brian Head, but after the team is chosen, the town is required to bid out all components of the buildings to the lowest responsive bidder. Bryce explained in reviewing the submitted proposals (see attached proposals), the committee decided on two teams to present to the Council for a final decision; Mr. Larry Pendleton and AJ Construction Company were the two teams chosen by the committee.

1 After a flip of the coin, it was determined that AJ Construction would be the second team to present to the Council. They
2 were asked to wait in the conference room until the first team is completed with their presentation.

3 • **Larry Pendleton & Kim Campbell Presentation:**

4 Mr. Larry Pendleton introduced the members of his team that would be working on the public safety building if they were
5 awarded the contract. Mr. Kim Campbell is the Architect and gave a brief history of each of the members while
6 highlighting some specific accomplishments. The following are items were presented to the Council for their consideration
7 of the team:

- 8 1. Pendleton Building has experience in working in Brian Head for the past 33 years.
- 9 2. History of work in the National Parks and around the tourist industry.
- 10 3. Owns property in Brian Head.
- 11 4. Mr. Pendleton and Mr. Campbell have both worked on projects together such as the Zion National Park
12 Recreation Center and the Ruby's Inn Restaurant facilities.
- 13 5. Mr. Campbell designs projects with Leadership in Energy and Environmental Design (LEEDS) principals in
14 mind.
- 15 6. Their company has met or exceeded their completion dates.
- 16 7. Pendleton Building has 12 to 20 employees year round with some employees having more than 20 years of
17 experience with the company and one individual which has been with the company for 34 years.
- 18 8. Experience in large open spaces, such as the Recreation Center in Zion National Park.
- 19 9. Rocky Mountain Power has agreed to allow Brian Head town to sign up for the financier payback program at the
20 end of the project by installing energy efficient appliances/lighting, etc.
- 21 10. There will be no changes after the design is approved by the Council. Their focus is to contract with
22 subcontractors who are stable and won't go under during the project.
- 23 11. Mr. Pendleton presented a fee breakdown to the Council (see attached).
- 24 12. Pendleton Building has completed a project under the wildland code in the North Rim of the Grand Canyon and
25 such principals could be applied to this project.
- 26 13. \$80,000.00 for furnishing has been pulled out of the price.
- 27 14. Council Member Ortler asked for clarifications on the fee breakdown sheet. Change orders: if there is a reduction
28 of cost requiring a change order, the contractor would not charge 5% to the town.
- 29 15. The contractor would proceed on working on the foundation for several weeks and then block out where they need
30 to run underground electrical.
- 31 16. The construction will be done in three documentation packages: package #1: footing and foundations. There will
32 be three phases of drawings that may overlap. They will be giving information to the town for approval prior to
33 starting it instead of waiting for approval on all of phases.
- 34 17. Landscaping: Have not submitted a landscape plan. They have identified retaining walls, French drains, final
35 grading, exterior finishes as part of the site work
- 36 18. Council Member Ortler inquired if the team understood that there would be no guarantee of payment until the
37 town officially approved the project for construction and asked if the contractor would wait until the financing is
38 in place to start the process. Mr. Campbell commented that he would start the design work at this time in good
39 faith and is willing to complete the work without the guarantee of payment.
- 40 19. Staff will work with legal regarding the limitations of qualifying the subcontractor's to determine what the town's
41 options are.
- 42 20. Council Member Ames inquired as to whether the company was going to use any CAD overlay with the
43 engineering/structural. Mr. Campbell responded that package #1 will be drawn on CAD in the schematics and
44 then upgraded throughout the process. There will be coordination meetings with all the members of the team.
- 45 21. LEEDS was discussed in detail as it could pertain to this project.
- 46 22. The main focus will be to start construction as soon as possible due to the short construction season in Brian Head
47 and to have the equipment back in the building before the winter season begins.
- 48 23. Mr. Larry Freeberg inquired to the Notice to Proceed and the financing the project as it pertains to state law.
49 When can the town pay for efforts prior to the approval of the loan? Bryce explained that the contractor can start
50 at their own risk, and if the loan is not confirmed by May 31, 2011, they cannot be reimbursed by the town, but
51 this will be reviewed by legal.

52 The Council thanked the Pendleton Building team for their presentation.

53 • **AJ construction and Ben Rogers' Presentation**

54

Austin Anderson, owner of AJ Construction, introduced his team for the proposed public safety building project. Mr. Ben Rogers, CRSA, is the Architect chosen for the team. AJ Construction then highlighted on their accomplishments and points of interest to the Council:

1. AJ Construction has been in business for 17 years and has built in Brian Head.
2. CRSA gave a brief history of their projects such as the Garfield County Courthouse and the Washington County Sheriff emergency operation building.
3. AJ Construction has experience in building in high weather climate such as Brian Head.
4. CRSA is first in the state of Utah for LEEDS with 8 out of 10 associates on staff which are LEEDS certified.
5. Both companies have completed projects together and work well together.
6. Austin Anderson reported he has home in Brian Head and would utilize the site for staging, which would save the town money.
7. AJ Construction has done several projects that are large open space buildings.
8. Discussion on the different type of LEEDS that could be implemented into the building.
9. Mr. Anderson reported that he would like the opportunity to hire local subcontractors in order to help the local economy on this project.
10. AJ Construction is a member of the Iron County Homebuilder Association and has access to reliable subcontractors.
11. Council Member Ames inquired as to the time frame in which the existing building would be demolished. Mr. Anderson replied that it would be done in seven working days and would utilize the weekends as catch-up days.
12. Their main focus would be to start construction as soon as possible with the sort construction season in Brian Head to get the building enclosed and would work on the interior during the winter season with completion next spring.
13. AJ Construction then distributed their fee schedule (see attached). Discussion was held regarding the foundation bid in which AJ Construction plans to bid on the foundation job with a profit of 7% of the bid cost with no additional profit identified.
14. Change orders were discussed, in which a minor change would not be identified as a change order, but a change order would consist of a change in the mechanical or electrical which requires additional engineering and drawings.
15. Mr. Rogers, CRSA, reported that he would start the process when he received the notice to proceed pending Council approval as long as he was aware the Council had the intent to sign a contract with them. He would begin with the floor plan and take it to a point where they felt comfortable in waiting.
16. CRSA is a large architect firm with three offices and a staff of 55 people. Mr. Rogers reported that he could bring staff in from other offices on this project if necessary.
17. Discussion was held on the type of CAD system they currently use in which they have the ability to create 3-D, AutoCAD and ArchCad. The initial concept of the building would be designed in 3-D.

The Council thanked AJ Construction and CRSA for their presentation of the public safety building project.

Bryce Haderlie, Town Manager, reported in comparing the two fee schedules, AJ Construction did not propose a mark-up for subcontractors and Pendleton Building identified a 5% mark-up on theirs.

Mr. Larry Freeberg inquired if the Council could release information between the two companies since they are in competition with each on the project and believes that it could be inappropriate. Council Member Ortler stated that the documents submitted to the Council during the meeting are public documents and are open to the public for review.

The Council then recessed for a 15 minute break at 3:00p.m. The regular meeting of the Brian Head Town Council was reconvened at 3:15 p.m.

2. PUBLIC SAFETY BUILDING PROJECT COMMITTEE RECOMMENDATION AND COUNCIL CONSIDERATION OF THE CONTRACTOR/ARCHITECT TEAM TO BE SELECTED FOR THE PUBLIC SAFETY BUILDING PROJECT.

– Bryce Haderlie, Town Manager.
The Public Safety Building committee's recommendation and approval of a Architect/Contractor team for the proposed Public Safety Building project.

Bryce Haderlie, Town Manager, reported the public safety building committee selected to review the proposals submitted by the contractors/architects has decided to submit the top two scoring companies to present to the Council for their final decision on the company. AJ Construction and Pendleton Building were the top two companies that scored the highest. The Council held discussion on the decision for the contractor at risk team for the public safety building, pending final approval of the funding for the project. The following items were discussed:

1. Both contractors are willing to begin the process prior to final approval of the Council on the funding.
2. Pendleton took the furnishings off of their final bid, which AJ Construction would have engineer and architect fees identified for the furnishings.

3. The contract would be prepared by the town attorney and approved by the Council prior to the Mayor signing the contract and the Council is required to wait the 45 day contest period which will end on May 27, 2011.
4. Council Member Ames' concern that the town is taking the "fast track" in this process with 2.5 million dollars of the public's money and the town may end up with something other than the right building at the right price since there is not schematic design that has been presented to the Council yet.
5. Council Member Ortler stated that with this process, the town is mitigating the risk by selecting the contractors who are familiar with Brian Head's environment and have completed projects in Brian Head, but if the town chooses to wait, then the project would be delayed by a year or more and costs will continue to increase and the project could end up costing more in the long run.
6. Council Member Schwob inquired if the Community Impact Board (CIB) loan would be available to the town next year. Bryce responded he would need to contact CIB for an answer and could report back to the Council if they choose to direct staff.
7. Council Member Ames expressed her concerns regarding the current state of the town's finances, which include the Bristlecone SID bond obligation and a 5% decrease in property taxes. Council Member Ames stated that she is not opposed to the project, but wants the right building for the right price.
8. Mayor Deutschlander reminded the Council this project has been reviewed by the Council since 2007 in which a needs assessment has been completed, bond election held and financing options explored and the town has the necessary information to proceed with the project.

Motion: Council Member Schwob moved to approve Pendleton Building team as the contractor for the public safety building project. Council Member Ortler seconded the motion.

Action: **Motion carried 3-0-1, (summary: Yes = 3, No = 0, Abstain = 1 Vote: Yes: Mayor Deutschlander, Council Member Schwob, Council Member Ortler. Abstain: Council Member Ames Absent: Council Member Fausett).**

Bryce Haderlie, Town Manager, requested clarification on the following items:

1. Staff will start to clear out the fire station in anticipation to secure a location in which to store items.
 2. Council Member Ortler inquired if staff has researched the possibility of purchasing property in Parowan to construct a public works building area for storage purposes. Bryce responded that staff has not pursue this option at this time. Council Member Ortler requested staff to identify this item on the agenda for discussion purposes on the over site of the project.
 3. The fire bay portion of the existing building will be dismantled and reassembled at another location or sold off.
 4. The equipment that is currently in the existing public safety building will be stored at another location.
- Consensus of the Council:** Staff will present information to the Council on the expense and location of the equipment for the fire department.
5. Council Member Ortler requested staff to bring information to the Council on a location for the fire department equipment during the May 24, 2011 Council meeting.

Consensus of the Council: Staff will research a location for a storage site for a public works building from the disassembled public safety building portion.

Council Member Ortler requested a Request for Proposals (RFP) be drafted for the disassembly of the existing public safety building fire bay area and to reassemble the building at another location before May 31, 2011.

Bryce requested direction from the Council to have the committee work with Pendleton Building to start preliminary discussions prior to the May 24, 2011 Town Council meeting. Staff will contact legal to determine what can begin before signing the contract.

4. PRESENTATION OF THE 2011-2012 TOWN BUDGETS ENDING JUNE 30, 2012. The presentation of the 2011-2012 tentative budget for the Town of Brian Head.

Bryce Haderlie, Town Manager, presented the 2011-2012 tentative budget ending June 30, 2012 (see attached). Bryce explained that Cecilia Johnson, Town Treasurer, is not present today for discussion on the budget.

Motion: Council Member Schwob moved to approve the 2011-2012 tentative budget for the town and the budget be made available to the public during normal business hours in the office of the Recorder/Clerk. Council Member Ames seconded the motion.

Discussion was held regarding the delinquent property taxes identified in the cover memorandum submitted with the budget.

Action: **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Mayor Deutschlander, Council Member Schwob, Council Member Ortler, Council Member Ames. Absent: Council Member Fausett).**

1 **5. CONSOLIDATED FEE SCHEDULE DISCUSSION.** Discussion on the solid waste fees & building permit fees
2 assessed by the town.

3 Tom Stratton, Public Works Director, explained there are two items that need to be clarified by the Council before the
4 Consolidated Fee Schedule is adopted. Tom went on to report that Council directed staff to draft new language and a fee
5 pertaining to small remodels, which has been completed and is ready for Council review (see attached memo). **Consensus**
6 **of the Council:** Approved the language and fee for #4 remodeling to be included in the Consolidated Fee Schedule.
7 The other item of discussion was reducing the solid waste fee for certain types of commercial businesses. Tom requested
8 direction from the Council on this item of discussion.

- 9 1. Tom proposed scenarios for the Council to consider on what other cities have charged for commercial trash
10 pickup. Tom explained that businesses are charged on the quantity of garbage collected and the size of the
11 container is also a charge to the business.
- 12 2. Brian Head currently charges a flat rate for the residential and commercial trash pickup; no matter how many
13 times the dumpster is dumped.
- 14 3. Some issues facing commercial businesses are the dumpsters are located in an area where anyone can dump trash
15 into the dumpster and residents of Circle Drive area are encouraged to dump their garbage at the Apple Annie's
16 dumpsters.
- 17 4. Cedar Breaks Lodge and Giant Steps Lodge are the only two businesses in town that keep their dumpster behind a
18 locked gate area.
- 19 5. One suggestion for the commercial dumpsters is to put a lock on the dumpster that would keep out the public from
20 dumping their trash into the dumpster, but it could promote littering instead.
- 21 6. Residents pay a monthly garbage fee and are required to go to dumpsters throughout the town in order to dump
22 their trash.
- 23 7. Concerns from the Council that county residents who do not pay for garbage services are utilizing the town
24 dumpsters.
- 25 8. Council Member Ortler explained he believes some of the businesses are paying too much for garbage services,
26 especially the retail and restaurants, in which the retail pays \$74.00 p/month and the restaurants pay \$102.00
27 p/month. Tom explained the town will dump as many times as necessary in order for the dumpster to be
28 accessible for the public and business.
- 29 9. Shelly Calloway, Apple Annies, commented she believes the fee is not unreasonable.
- 30 10. A majority of the business utilize the recycling dumpsters the majority of the time.

31 **Consensus of the Council:** The fees/process will remain as is, with the reduction of \$1.00 from the solid waste rates.

32 **6. BID AWARD FOR THE BULK WATER DISPENSOR.** Bid award the bid for the Bulk Water Dispensing system.

33 Tom Stratton, Public Works Director, presented the bid for the bulk water dispenser system that was advertised. Tom
34 explained the town received one bid from Municipal Solution in the amount of \$30,305.00 (see attached). Tom
35 recommended the Council award the bid to Municipal Solutions for the system.

36 Discussion was held regarding the color and location of the bulk water system. The Council decided on Tan for the
37 building portion and dark brown for the trim of the building would be used. The location of the system will be in the
38 southeast corner of the town hall parking lot until the Public Safety building is completed, in which it will be installed into
39 the new building.

40 Tom reported the system will utilize a credit card system for payment processing and the public works crew will plumb the
41 water into the system.

42 **Motion:** Council Member Ortler moved to award the bulk water dispensing system to Municipal Solution in an
43 amount not to exceed \$30,305.00. Council Member Ames seconded the motion.

44 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes:** Mayor Deutschlander, Council Member Schwob,
45 Council Member Ortler, Council Member Ames. **Absent:** Council Member Fausett).

46 Council Member Ortler referred to staff's memo regarding the sales and use taxes as it pertains to the hold harmless
47 agreement with the State of Utah (see attached). Council Member Ortler commented that the town could be losing another
48 \$40,000 a year on the sales taxes, but that it would not take effect until 2016. Mayor Deutschlander stated that the Council
49 should look at it now in order to consider all options available to the town prior to the hold harmless agreement expiring in
50 2016.

51 Council Member Ortler stated that a portion of the distribution of sales taxes is based on population and staff will need to
52 contact the Census Bureau to receive a list of residents that were counted in the 2010 Census.

53 **G. CLOSED SESSION OF THE TOWN COUNCIL – To discuss Pending or Imminent**
54 **Litigation**
55

1 Mayor Deutschlander stated that the Council will not need to meet in closed session to discuss pending or imminent
2 litigation.

3 **H. ADJOURNMENT**

4 **Motion:** Council Member Ames moved to adjourn the regular meeting of the Brian Head Town Council for May
5 10, 2011. Council Member Ortler seconded the motion.

6 **Action:** **Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Mayor Deutschlander, Council Member Schwob,**
7 **Council Member Ortler, Council Member Ames. Absent: Council Member Fausett).**

8 The regular meeting of the Brian Head Town Council was adjourned at 4:35 p.m. for May 10, 2011.

9 May 24, 2011

10 Date Approved

11 Nancy Leigh, Town Clerk/Recorder
12